### PATENT COOPERATION TREATY

## **PCT**

# TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 4535/2 WO	FOR FURTHER ACTION	See Form PCT/IPEA/416					
International application No.	International filing date (day/month/year)	Priority date (day/month/year)					
PCT/EP2004/011194 07.10.2004 23.12.2003							
International Patent Classification (IPC) or nati	onal classification and IPC						
B60K15/035							
Applicant							
A. KAYSER AUTOMOTIVE	SYSTEMS GMBH						
This report is the international preling under Article 35 and transmitted to the second control of the se		International Preliminary Examining Authority					
2. This REPORT consists of a total of	4 sheets, includi	ng this cover sheet.					
3. This report is also accompanied by A	NNEXES, comprising:						
a. (sent to the applicant and	to the International Bureau) a total of	sheets, as follows:					
sheets of the descrip	otion, claims and/or drawings which have been	amended and are the basis for this report and/or					
sheets containing real Instructions).	ctifications authorized by this Authority (see R	ule 70.16 and Section 607 of the Administrative					
		nsiders contain an amendment that goes beyond					
the disclosure in the Box.	e international application as filed, as indicate	d in item 4 of Box No. I and the Supplemental					
b. (sent to the International.	Bureau only) a total of (indicate type and numb	er of electronic carrier(s))					
		containing a sequence listing and/or tables					
-	•	, containing a sequence listing and/or tables emental Box Relating to Sequence Listing (see					
Section 802 of the Administ	rative Instructions).						
4. This report contains indications relati	ng to the following items:						
Box No. I Basis of the	report						
Box No. II Priority							
Box No. III Non-establi	shment of opinion with regard to novelty, inver	ntive step and industrial applicability					
Box No. IV Lack of unit	ty of invention						
	Box No. V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
Box No. VI Certain doc							
Box No. VII Certain defe	Box No. VII Certain defects in the international application						
Box No. VIII Certain obs	ervations on the international application						
Date of submission of the demand	Date of completion of t	his report					
Sale of Submission of the demand	Date of completion of t						
Name and mailing address of the IPEA/EP	Authorized officer						
Facsimile No.	Telephone No.						

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/011194

Box I	No. I	Basis of the report						
1.		regard to the language, this report is based on the internatic ated under this item.	onal application in the language in	which it	was filed, unless otherwise			
		This report is based on translations from the original language which is the language of a translation furnished for the purp	<del>-</del>		,			
		international search (Rule 12.3 and 23.1(b))						
		publication of the international application (Rule 12.4	<del>(</del> )					
		international preliminary examination (Rule 55.2 and						
2.	recei	regard to the <b>element</b> s of the international application, this iving Office in response to an invitation under Article 14 ar report):						
		the international application as originally filed/furnished						
	$\boxtimes$	the description:						
		pages <b>5-8</b>		16 07	as originally filed/furnished .2005 with letter			
		pages* 1-4, 4a	received by this Authority on					
		pages*	received by this Authority on					
	$\boxtimes$	the claims:						
		nos.			as originally filed/furnished			
		nos.*	as amended (together					
		nos.* <u>1-5</u>	received by this Authority on		.2005 with letter .07.2005			
		nos.*	received by this Authority on					
	$\boxtimes$	the drawings:						
		sheets 1/4-4/4			as originally filed/furnished			
		sheets*	received by this Authority on					
		sheets*	received by this Authority on					
		a sequence listing and/or any related table(s) – see Supplem	nental Box Relating to Sequence L	isting.				
3.		The amendments have resulted in the cancellation of:						
		the description, pages						
		the decivings shoots/figs	the claims, nos the drawings, sheets/figs					
		any table(s) related to sequence listing (specify):						
4.		This report has been established as if (some of) the amend they have been considered to go beyond the disclosure as fi						
		the description, pages						
		the claims, nos.						
		the drawings, sheets/figs						
		the sequence listing (specify):						
		any table(s) related to sequence listing (specify):						
*	If ite	m 4 applies, some or all of those sheets may be marked "sup	erseded."					

#### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/EP2004/011194

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
1.	Statement			
	Novelty (N)	Claims	1-5	YES
		Claims		NO
	Inventive step (IS)	Claims	1-5	YES
		Claims		NO
	Industrial applicability (IA)	Claims	1-5	YES
		Claims		NO
2	Citations and explanations (Rule	70.7)		

- - Reference is made to the following document:
    - D1: US6240950 A
  - D1 is considered the prior art closest to the subject matter of claim 1 and discloses (the references between parentheses refer to that document):

a vent valve with a housing which on the top side has an outlet aperture, a spring-supported float being arranged in the housing so as to be movable in the longitudinal direction of the housing. float has a sealing element that is secured to a support disk and is connected to a valve seat of the outlet aperture when the valve is in a closed position.

The invention addresses the problem of simplifying opening of the valve even in cases when the position of the vehicle and thus the relative positioning between the seal and the valve seat is not level.

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The subject matter of claim 1 thus differs from D1 in that the support disk is connected to the float in such a way that it can swivel, two diametrically opposed angular retaining elements being secured to the float, for fitting over an annular flange formed on the support disk, the axial extensions of the retaining elements having different dimensions.

The subject matter of claim 1 is thus novel (PCT Article 33(2)).

3. The solution to the above-mentioned problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:

D1 relates to a two-stage vent valve, in which a bypass connection is provided, in the extension of which an additional spring-loaded valve is arranged, the bypass valve, when in the open position, pushing against the guide flange of the float, thereby producing the connection to the outflow line. It is therefore not necessary to simplify the separating of the sealing element from the associated valve seat.

3.1 Claims 2-5 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.